

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNION PACIFIC RAILROAD COMPANY,

Plaintiff,

vs.

COLONY NATIONAL INSURANCE  
COMPANY, DEANGELO BROTHERS,  
INC.; and AMERICAN HOME ASSURANCE  
COMPANY,

Defendants.

**8:13CV84**

**ORDER**

This matter came before the Court following a telephone conference held on December 22, 2017, with counsel for the parties. Anne M. O'Brien and David M. Newman appeared on behalf of Plaintiff, Union Pacific Railroad Company ("Union Pacific"). Michael Murphy appeared on behalf of Defendant, Colony National Insurance Company ("Colony National"). Philip Earnest appeared on behalf of Defendant, American Home Assurance Company ("American Home"). The parties informed the Court that Union Pacific and Defendants Deangelo Brothers, Inc. and American Home have reached a full settlement. Union Pacific also has reached a partial settlement with Colony National Insurance. The Court and the parties also discussed certain pretrial and trial matters. In accordance with the issues addressed during the telephone conference,

**IT IS ORDERED:**

1. On or before **January 12, 2018**, the parties shall electronically file a joint stipulation for dismissal (or other dispositive stipulation) with respect to Defendants Deangelo Brothers, Inc. and American Home Assurance Company, and shall submit to the trial judge a draft order dismissing those parties.
2. The deadline for filing motions in limine challenging the admissibility of expert testimony at trial under [Fed. R. Evid. 702](#), see [Kumho Tire Co., Ltd. v. Carmichael](#), 526 U.S. 137 (1999), and [Daubert v. Merrell-Dow Pharmaceuticals](#), 509 U.S. 579 (1993), is extended to **January 29, 2018**.

3. By the parties' agreement, the trial currently set to commence during the week of March 20, 2018, in Omaha, Nebraska, shall be a four (4) day **non-jury** trial before the Honorable Laurie Smith Camp, Chief United States District Judge.

Dated this 22<sup>nd</sup> day of December, 2017.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge